IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 17270 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SATNAM CO-OP HOUSING SOC LTD - Petitioner(s)

Versus

SUB-POST MASTER,JAWAHARCHOWK POST OFFICE & 2 - Respondent(s)

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Appearance :

MR NS DESAI for Petitioner(s) : 1,
RULE SERVED for Respondent(s) : 1 - 3.
MR JITENDRA MALKAN for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 20/12/2005

ORAL JUDGMENT

1.In this petition under Article 226 of the Constitution of India, the petitioner- co-operative housing society has prayed for an appropriate writ, direction or order directing the respondents postal authorities to release

the maturity amount of Rs.40,000/- of four Kisan Vikas Patras (principal amount of Rs.20,000/-) with interest at the rate of 18% from the maturity date i.e. 15.3.2004 till the date of realisation.

2. It appears from the record that the petitioner-society invested amount of Rs.20,000/- in the Kisan Vikas Patras with the postal department in the year 1998, more particularly, on 15.9.98 and on the same way the maturity would be on 15.3.2004. It is the contention on behalf of the petitioner that when the petitioner approached the postal authorities for getting the maturity amount, they were informed that they will be paid only principal amount and not the maturity amount with interest as considering Rule-6 of the K.V.P. Rules;1988, the co-operative society was not permitted to invest the amount in Kisan Vikas Patras. This Court passed an order on 7.10.2005 directing the respondent authorities to deposit the amount of maturity which the respondent authorities have deposited i.e. Rs.42,333/- with the Registry of this Court.

3. Shri Dharmesh Shah, learned advocate appearing on behalf of the petitioner-society has relied upon the

judgment of the Division Bench of this Court rendered in Letters Patent Appeal No.1509 of 2004 in Special Civil Application No.2877 of 2003 whereby the Division Bench of this Court has in a similar set of facts allowed the said appeal directing the postal authorities to pay the amount of Kisan Vikas Patras with interest wherein similar type of objection was raised. Shri Malkan, learned Assistant Solicitor General of India, is not in a position to dispute that the controversy in the present Special Civil Application is covered by the judgment of the Division Bench of this Court rendered in Letters Patent Appeal No.1509 of 2004 in Special Civil Application No.2877 of 2003.

4. Under the circumstances and for the reasons stated in the judgment and order passed by the Division Bench of this Court in Letters Patent Appeal No.1509 of 2004 in Special Civil Application No.2877 of 2003, the present Special Civil Application is allowed. It is held that the petitioner is entitled to maturity amount on the Kisan Vikas Patras which are in question i.e. in all of Rs.40,000/-. Office is directed to issue an Account Payee Cheque for an amount of Rs.40,000/-in favour of

the petitioner-society out of the amount which is deposited by the respondent authorities, within a period of 2 weeks from today and the balance amount of Rs.2,333/-be paid by Account Payee Cheque to the respondent No.2 as early as possible.

5.Rule is made absolute to the aforesaid extent, however, there will be no order as to costs.

(M.R.SHAH, J.)

kdc.